

HARRIS BEACH PLLC

One Gateway Center – Suite 2500

Newark, New Jersey 07102

(973) 848-1244

Attorneys for Defendants

U.S. GAS & ELECTRIC, INC. and

ENERGY SERVICES PROVIDERS, INC.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
(NEWARK VICINAGE)**

PATRICIA VITALE and VINCENT VITALE,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

U.S. GAS & ELECTRIC, INC., ENERGY
SERVICE PROVIDERS, INC., and JOHN
DOE CORPORATIONS #1-25,

Defendants.

Civil Action No. 2:14-cv-04464-KM-MAH

**NOTICE OF MOTION FOR FINAL
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, by and through their undersigned counsel of record, Defendants, U.S. Gas & Electric, Inc. (“USG&E”) and Energy Services Providers, Inc. (“ESPI”)(collectively, “Defendants”), will move this Court before the Hon. Kevin McNulty of the United States District Court, District of New Jersey, at the Courthouse located at the Martin Luther King Jr. Courthouse and Federal Building, 50 Walnut Street, Newark, New Jersey 07101, on May 16, 2016 at 9:00 a.m., or as soon thereafter as counsel can be heard, for an Order seeking Final Summary Judgment in favor of Defendants against of Plaintiffs, Patricia Vitale and Vincent Vitale (“Plaintiffs”) as to the entire Second Amended Complaint, pursuant to Fed. R. Civ. P. 56 and D.N.J. L.R. 7.1 and 56.1, and for such other relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, in support of this Motion, Defendants will rely upon the Memorandum of Law, Statement of Undisputed Material Facts, Declaration of Michelle Mann, with all exhibits annexed therefore and incorporated therein, submitted herewith. A proposed form of Order and Judgment is also submitted.

Dated: April 12, 2016

HARRIS BEACH PLLC

By: s/ Kimberly A. Connick
Kimberly Connick

One Gateway Center – Suite 2500
Newark, New Jersey 07102
Tel: (973) 848-1244
E-Mail: kconnick@harrisbeach.com

*Attorneys for Defendants
U.S. Gas & Electric, Inc. and
Energy Services Providers, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2016, I electronically filed the foregoing document, with the accompanying Memorandum of Law, Statement of Undisputed Facts, and Declaration of Michelle Mann, and proposed form of Order and Judgment, with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record of pro se parties identified on the attached Service List in the manner specified, whether via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronic Notices of Electronic Filing.

Dated: April 12, 2016

HARRIS BEACH PLLC

By: s/ Kimberly A. Connick
Kimberly Connick

One Gateway Center – Suite 2500
Newark, New Jersey 07102
Tel: (973) 848-1244
E-Mail: kconnick@harrisbeach.com

*Attorneys for Defendants
U.S. Gas & Electric, Inc. and
Energy Services Providers, Inc.*

SERVICE LIST

Patricia Vitale, et. al. v. U.S. Gas & Electric, Inc. et. al.

Case No. 2:14-cv-04464-KM-MAH

United States District Court, District of New Jersey

Electronically by CM/ECF System

Kimberly A. Connick

kconnick@harrisbeach.com

Steven A. Stadtmauer

sstadtmauer@harrisbeach.com

HARRIS BEACH PLLC

One Gateway Center – Suite 2500

Newark, New Jersey 07102

Telephone: (973) 848-1244

Facsimile: (212) 687-0659

Joseph LoPiccolo

lopiccolo@pllawfirm.com

John N. Poulos

poulos@pllawfirm.com

POULOS LOPICCOLO PC

1305 South Roller Road

Ocean, NJ 07757

Telephone: (732) 757-0165

Facsimile: (732) 358-0180

Bruce Daniel Greenberg

bgreenberg@litedepalma.com

Danielle Y. Alvarez

dalvarez@litedepalma.com

LITE DEPALMA GREENBERG, LLC

570 Broad Street, Suite 1201

Newark, NJ 07102

Telephone: (973) 623-3000

Facsimile: (973) 877-3845